

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a  
BRAZOS LICENSING AND  
DEVELOPMENT,

*Plaintiff,*

v.

DELL TECHNOLOGIES INC., DELL  
INC., EMC CORPORATION, AND  
VMWARE, INC.,

*Defendant.*

Case No.: 6:20-cv-00485-ADA

**JURY TRIAL DEMANDED**

**DECLARATION OF JOSHUA A. WHITEHILL IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR  
LEAVE TO AMEND INVALIDITY CONTENTIONS**

I, Joshua A. Whitehill, declare as follows:

1. I am Special Counsel with the law firm of Kasowitz Benson Torres LLP. I am one of the attorneys responsible for the representation of Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development in the above-captioned litigation, and make this Declaration in support of Plaintiff's Opposition to Defendants' Motion for Leave to Amend Invalidity Contentions.

2. If called to testify under oath in court, I could and would testify competently to the facts stated herein.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a document produced by Defendants bearing production numbers VMW\_DELL-WSOU-PA-000653-657.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a document produced by Defendants bearing production numbers VMW\_DELL-WSOU-PA-002230-2234.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a document produced by Defendants bearing production numbers VMW\_DELL-WSOU-PA-002235-2242.

6. Attached hereto as **Exhibit 4** is a true and correct copy of an excerpt from the Declaration of Mary K. Bolin, Ph.D. in Support of Request for *Ex Parte* Reexamination, along with Exhibits 2-A, 3-A, and 5-A thereto, all of which were extracted from the image file wrapper for Control No. 90/019,048 (a reexamination of U.S. Patent No. 7,636,309), as maintained and downloaded from the USPTO's Public Patent Application Information Retrieval (PAIR) system. PAIR indicates that these documents were filed with the USPTO on December 17, 2021.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief, formed after reasonable inquiry under the circumstances.

Executed on the 30<sup>th</sup> day of March, 2022, in Bloomfield, New Jersey.



Joshua A. Whitehill  
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